

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANNE L. STEWART, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

GINO'S EAST RESTAURANT CORP.,

Defendant.

CASE No. 07 CV 6340

JURY TRIAL DEMANDED

Judge Coar

Magistrate Judge Cole

**PLAINTIFF'S MOTION FOR LEAVE TO FILE
AMENDED CLASS ACTION COMPLAINT**

Plaintiff Anne L. Stewart ("Plaintiff"), individually and on behalf of all others similarly situated, by and through undersigned counsel, respectfully moves this Court pursuant to Fed. R. Civ. P. 15(a) for leave to file an amended complaint in this action, and in support thereof states:

1. Plaintiff filed her Complaint in this action on November 8, 2007 [DE 1].
2. Defendant Gino's East Restaurant Corp filed its answer to the Complaint on December 20, 2007 [DE 19].
3. On February 4, 2008, this Court held a Rule 16(b) Scheduling Conference. During the Scheduling Conference, the Court directed the parties to file any amendments to the pleadings no later than February 8, 2008. Pursuant to the Court's directive, Plaintiff hereby submits her Amended Class Action Complaint, attached hereto as **Exhibit A**.
4. Pursuant to Fed. R. Civ. P. 15(a), leave to amend a complaint "shall be freely given when justice so requires." Accordingly, pursuant to the Court's directive during the Scheduling Conference and its Minute Entry re Rule 16(b) Conference [DE 23], Plaintiff

respectfully requests that the Court grant this Motion for Leave to Amend and deem the Amended Complaint filed on this date.

WHEREFORE, Plaintiff respectfully requests the entry of an Order granting this Motion and accepting Plaintiff's Amended Class Action Complaint.

DATED: February 8, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on today's date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties via transmission of Notices of Filing generated by CM/ECF.

s/Michael L. Greenwald
Michael L. Greenwald